



Senate

General Assembly

File No. 280

February Session, 2002

Substitute Senate Bill No. 550

Senate, April 3, 2002

The Committee on Public Health reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING PRESCRIPTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2002*) Any mail order
2 pharmacy that fills a prescription for a resident of this state shall be
3 liable for the costs incurred by such resident that are caused by a delay
4 by the pharmacy in mailing the prescription or errors by the pharmacy
5 that result in delivery of a drug other than the one prescribed. Such
6 reimbursable costs shall include, but not be limited to, the cost to the
7 resident of filling the prescription at another pharmacy.

8 Sec. 2. (NEW) (*Effective October 1, 2002*) The Commissioner of
9 Consumer Protection shall adopt regulations, in accordance with
10 chapter 54 of the general statutes, for the purpose of developing a
11 system for checking errors made in dispensing medication to a patient
12 by prescribing practitioners or pharmacists.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>

PH *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
GF - Revenue Gain	Judicial Dept.	None	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes mail-order pharmacies liable for costs incurred by Connecticut residents (including the cost to fill a prescription at another pharmacy) caused by the pharmacy's delay in mailing the prescription, or errors by the pharmacy. It is anticipated that a Connecticut resident would file a case with small claims court to recover these costs.¹ The filing fee is \$30 per case. There were 77,000 small claims cases filed in FY 01 with revenue from filing fees of approximately \$2 million. The number of additional small claims cases resulting from the bill is unknown. It is anticipated that any increase in caseload associated with the bill could be handled by the court within available resources. The amount of additional revenue from filing fees is expected to be minimal.

The bill also requires the Commissioner of Consumer Protection to adopt regulations for the purpose of developing a system for checking prescription errors. The adoption of regulations and any reports of prescription errors can be absorbed within the agency's normal budgetary resources.

¹ The jurisdictional limit for small claims is currently \$3,500.

OLR Bill Analysis

sSB 550

AN ACT CONCERNING PRESCRIPTIONS**SUMMARY:**

This bill makes a mail-order pharmacy liable for costs incurred by a customer due to the pharmacy's (1) delay in mailing the prescription or (2) errors resulting in delivery of the wrong prescription. Reimbursable costs include those incurred by filling the prescription at another pharmacy.

The bill directs the consumer protection commissioner to adopt regulations for developing a system for checking for errors made in dispensing medication to patients by pharmacists and prescribing practitioners.

EFFECTIVE DATE: October 1, 2002

BACKGROUND***Related Bill***

The General Law Committee has favorably reported a bill (sSB 504) that addresses prescription drug errors and continuing education for pharmacists.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 24 Nay 0